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PROGRAMME, THE ENVIRONMENT FUND AND ADMINISTRATIVE AND OTHER BUDGETARY MATTERS

Outcome of the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

Report of the Executive Director

Summary

This report presents the outcome of the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, convened in Rotterdam on 10 and 11 September 1998, in accordance with decisions 18/12, of 26 May 1995, and 19/13 A, of 7 February 1997, of the Governing Council. It also highlights the implications of the outcome of the Conference for the United Nations Environment Programme (UNEP).

Suggested action by the Governing Council

The Governing Council may wish to:

1. Recall chapter 19 of Agenda 21 and its decisions 18/12, of 26 May 1995, 19/13 A, of 7 February 1997 and SS.V/5 UNEP/GC.20/1/Add.1;

2. Welcome the adoption of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;

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* UNEP/GC.20/1/Add.1.

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3. Call upon States and regional economic integration organizations entitled to do so to sign, ratify, accept, approve or accede to the Convention, with a view to bringing it into force as soon as possible;

4. Recommend to the General Assembly that it endorse the institutional linkage between the United Nations Environment Programme and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, as called for by the Convention and authorized by the Governing Council in its decision SS.V/5, through which the Executive Director provides secretariat services to the Convention;

5. Authorize the Executive Director, together with the Director-General of the Food and Agriculture Organization of the United Nations, to convene such further sessions of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, until the date of the opening of the first meeting of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, as are necessary to oversee the operation of the interim prior informed consent procedure 1/ and to prepare for and service the Conference of the Parties until the end of the fiscal year in which the first meeting of the Conference of the Parties takes place;

6. Call upon States and regional economic integration organizations to make voluntary contributions to the trust fund established by the United Nations Environment Programme in order to support the interim arrangements and the operation of the Conference of the Parties until the end of the fiscal year in which the first meeting of the Conference of Parties takes place, and to ensure the full and effective participation of developing countries and countries with economies in transition in the further work of the Intergovernmental Negotiating Committee;

7. Also call upon States and regional economic integration organizations with more advanced programmes for regulating chemicals to provide technical assistance, including training, to others in developing their infrastructure and capacities to manage chemicals throughout their life-cycle, particularly in view of the urgent need for their participation in the effective operation of the Convention once it enters into force;

8. Request the Executive Director to report to the Governing Council at its twenty-first session on progress in the work of the secretariat arising from the outcome of the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade as well as the present decision.

1/ The voluntary prior informed consent procedure, as amended in accordance with the resolution on interim arrangements adopted by the Conference of Plenipotentiaries and decision SS.V/5 of the Governing Council.

INTRODUCTION

1. In accordance with relevant provisions of chapter 19 of Agenda 21 and decisions 18/12 and 19/13 A of the Governing Council, the Executive Director, jointly with the Director-General of the Food and Agriculture Organization of the United Nations (FAO), convened, between March 1996 and March 1998, five sessions of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. At its fifth session, held in Brussels from 9 to 14 March 1998, the Intergovernmental Negotiating Committee agreed upon the text of the legally binding instrument.

2. Subsequently, the Executive Director, together with the Director-General of FAO, convened, at the invitation of the Government of the Kingdom of the Netherlands, the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade in Rotterdam, on 10 and 11 September 1998.

I. OUTCOME OF THE CONFERENCE OF PLENIPOTENTIARIES

A. Instruments adopted by the Conference

3. On 10 September 1998, the Conference adopted the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. The Convention was opened for signature at the Conference on 11 September 1998, and remains open for signature at United Nations Headquarters until 10 September 1999. The Conference also adopted resolutions concerning interim arrangements, the secretariat, and a tribute to the Government of the Kingdom of the Netherlands. The text of the Rotterdam Convention and the resolutions may be found in the Final Act of the Conference (UNEP/FAO/PIC/CONF/5).

4. In paragraph 1 of its resolution on interim arrangements, the Conference called upon States and regional economic integration organizations entitled to do so to consider signing, ratifying, accepting, approving or acceding to the Convention with a view to bringing it into force as soon as possible. In accordance with its Article 26, the Convention enters into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

B. Change to the voluntary prior informed consent procedure

5. The Conference, in paragraph 2 of its resolution on interim arrangements, decided that the voluntary prior informed consent (PIC) procedure contained in the Amended London Guidelines for the Exchange of Information on Chemicals in International Trade and in the FAO International Code of Conduct on the Distribution and Use of Pesticides (thereinafter referred to as the "original PIC procedure") should be changed to bring it into line with the procedure established by the Convention with effect from the date on which the Convention was opened for signature, i.e., 11 September 1998 (the original PIC procedure with these changes is referred to as the

"interim PIC procedure"). In paragraph 10 of the resolution, the Conference appealed to States and regional economic integration organizations to participate in and apply in full the interim PIC procedure. In paragraph 13 of the resolution, the Conference, decided that the interim PIC procedure would cease to operate on a date to be specified by the Conference of the Parties at its first meeting.

6. In its decision SS.V/5, the Governing Council agreed to accept changes in the voluntary PIC procedure, if so decided by the Conference of Plenipotentiaries, provided that costs additional to the implementation of the current voluntary procedure would be met through extrabudgetary resources.

C. Intergovernmental Negotiating Committee

7. In paragraph 3 of its resolution on interim arrangements, the Conference invited the Executive Director and the Director-General of FAO to convene such further sessions of the Intergovernmental Negotiating Committee during the period between the date on which the Convention was opened for signature and the date of the opening of the first meeting of the Conference of the Parties as were necessary to oversee the operation of the interim PIC procedure and to prepare for and service the Conference of the Parties until the end of the fiscal year in which the first meeting of the Conference of the Parties took place.

D. Secretariat of the Rotterdam Convention

8. Article 19 of the Convention, as adopted by the Conference, states: "The secretariat functions for this Convention shall be performed jointly by the Executive Director of UNEP and the Director-General of FAO, subject to such arrangements as shall be agreed between them and approved by the Conference of the Parties." In accordance with Governing Council decision SS.V/5, the secretariat of UNEP will perform such functions upon the entry into force of the Convention.

9. In its resolution concerning the secretariat, the Conference called upon the Executive Director of UNEP and the Director-General of FAO to consider the offers received from Germany and from Italy and Switzerland jointly, as well as any other offers, and to provide a comparative analysis of those offers regarding the physical location of the secretariat for consideration by the Conference of the Parties at its first meeting. The preparation of such analyses should be carried out in consultation with the Intergovernmental Negotiating Committee.

E. Interim secretariat

10. In paragraph 12 of its resolution on interim arrangements, the Conference requested the Executive Director of UNEP and the Director-General of FAO to provide secretariat services for the operation of the interim PIC procedure.

11. In its decision SS.V/5, the Governing Council authorized the participation of the UNEP secretariat in an interim secretariat, if so decided by the Conference of Plenipotentiaries, provided that such

arrangements were satisfactory to the Executive Director and that costs additional to the implementation of the current voluntary procedure would be met through extrabudgetary resources.

12. UNEP and FAO have made preparations to establish the joint interim secretariat. They have initiated the implementation of the interim PIC procedure and preparations for the sixth session of the Intergovernmental Negotiating Committee. If necessary financial resources are secured in time, the sixth session of the Intergovernmental Negotiating Committee is expected to be convened in July 1999.

F. Financial resources

13. In paragraph 14 of its resolution on interim arrangements, the Conference appealed to States and regional economic integration organizations to make voluntary contributions to the trust fund established by UNEP in order to support the interim arrangements and the operation of the Conference of the Parties until the end of the fiscal year in which the first meeting of the Conference of the Parties took place, and to ensure the full and effective participation of developing countries and countries with economies in transition in the further work of the Intergovernmental Negotiating Committee.

G. Further international cooperation

14. In paragraph 15 of its resolution on interim arrangements, the Conference called on States and regional economic integration organizations with more advanced programmes for regulating chemicals to provide technical assistance, including training, to other States and regional economic integration organizations in developing their infrastructure and capacity to manage chemicals throughout their life-cycle, particularly in view of the urgent need of their participation in effective operation of the Convention once it entered into force.

II. INSTITUTIONAL LINKAGE BETWEEN THE ROTTERDAM CONVENTION, UNEP AND THE UNITED NATIONS

15. While the Convention envisages the provision to it of secretariat services by the Executive Director and while, by its decision SS.V/5, the Governing Council had authorized him to provide such services prior to the adoption of the Convention, this arrangement should be endorsed by the General Assembly of the United Nations in order that an institutional linkage is formally established between UNEP, a programme of the United Nations and subsidiary organ of the General Assembly, and the Convention, an entity distinct from the United Nations, through which the Executive Director is to provide secretariat services to the Convention.